

Minutes of the Regular Business Meeting of the  
Board of Mayor and Aldermen of the City of Kingsport, Tennessee  
Tuesday, April 17, 2012, 7:00 PM  
Large Court Room – City Hall

PRESENT:

Board of Mayor and Aldermen

Mayor Dennis R. Phillips, Presiding  
Alderman John Clark  
Alderman Valerie Joh  
Alderman Michael McIntire

Vice-Mayor Tom C. Parham  
Alderman Tom Segelhorst  
Alderman Jantry Shupe

City Administration

John G. Campbell, City Manager  
J. Michael Billingsley, City Attorney  
James H. Demming, City Recorder

- I. **CALL TO ORDER:** 7:00 p.m., by Mayor Dennis R. Phillips.
- II.A. **PLEDGE OF ALLEGIANCE TO THE FLAG:** Mr. Thomas Pencarinha.
- II.B. **INVOCATION:** Mr. Jack Edwards - Retired Minister – First Broad Street United Methodist Church.
- III. **ROLL CALL:** City Recorder Jim Demming.
- IV. **RECOGNITIONS AND PRESENTATIONS.** Mayor Phillips recognized Boy Scout Troop 48, naming those in attendance.
- V. **APPROVAL OF MINUTES.**

Motion/Second: Parham/Segelhorst, to approve minutes for the following meetings:

- A. April 2, 2012 Regular Work Session
- B. April 2, 2012 Special Called Work Session
- C. April 3, 2012 Regular Business Meeting

Approved: All present voting “aye.”

VI. **COMMUNITY INTEREST ITEMS.**

AA. **PUBLIC HEARINGS.**

- 1. **Public Hearing for Annexation Annual Plan of Services Report**  
(AF: 95-2012). City Planner Forrest Koder gave a brief presentation on this item.

**PUBLIC COMMENT ON ITEM VI.AA.1.** None.

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~~2. Public Hearing and Consideration of a Resolution to Amend the Resolution for the Plan of Services for the Meadows Annexation Area (AF: 96-2012).~~ This agenda item was pulled.

**3. Public Hearing and Consideration of an Ordinance to Rezone Ridgefields Golf Course and Surrounding Area to a Golf Course Community Zoning District (AF: 101-2012).** City Planner Karen Combs provided information on this item and answered questions from the Board.

**PUBLIC COMMENT ON ITEM VI.AA.3.** None.

Motion/Second: McIntire/Shupe, to pass:

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO ZONE PROPERTY KNOWN AS THE RIDGEFIELDS SUBDIVISION AND GOLF COURSE TO GOLF COURSE COMMUNITY DISTRICT, IN THE 12<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on first reading: All present voting "aye."

**A. PUBLIC COMMENT.** Mayor Phillips invited citizens in attendance to speak about any of the remaining agenda items. There being no one coming forward to speak, the Mayor closed the public comment segment.

**B. BUSINESS MATTERS REQUIRING FIRST READING.** None.

**C. BUSINESS MATTERS REQUIRING FINAL ADOPTION.**

**1. Consideration of an Ordinance to Amend Zoning of Parcel 24 on Tax Map 61B, Group K Located Along Carver Street and Douglass Street from R-1C Zoning to R-2 Zoning (AF: 90-2012).**

Motion/Second: McIntire/Joh, to pass:

**ORDINANCE NO. 6195,** AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT AND MAP, TO REZONE PROPERTY AT 300 CARVER STREET FROM R-1C, RESIDENTIAL DISTRICT TO R-2, TWO-FAMILY RESIDENTIAL DISTRICT IN THE 11<sup>TH</sup> CIVIL DISTRICT OF SULLIVAN COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**D. OTHER BUSINESS.**

**1. Consideration of a Resolution Authorizing the Mayor to Execute a Right-of-Way Easement with Kingsport Power Company (AF: 100-2012).**

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Motion/Second: Parham/Clark, to pass:

**Resolution No. 2012-177**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A RIGHT-OF-WAY EASEMENT WITH KINGSFORT POWER COMPANY

Passed: All present voting "aye."

**2. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply and Receive the Assistance to Firefighters Grant (AFG) Through the U.S. Fire Administration of the Federal Emergency Management Administration (FEMA) Division of the Department of Homeland Security (DHS) (AF: 102-2012).** City Manager Campbell pointed out this grant would supply one thousand smoke detectors as well as fifty for the hearing impaired.

Motion/Second: Shupe/Segelhorst, to pass:

**Resolution No. 2012-178**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE AN ASSISTANCE TO FIREFIGHTERS GRANT THROUGH THE UNITED STATES FIRE ADMINISTRATION OF THE FEDERAL EMERGENCY MANAGEMENT ADMINISTRATION DIVISION OF THE DEPARTMENT OF HOMELAND SECURITY

Passed: All present voting "aye."

**3. Consideration of a Resolution Changing the Fiscal Year in Resolution No. 2011-144 (AF: 104-2012).** City Manager Campbell provided details on this item and clarified this would allow the money to flow to the appropriate sources due to a name change.

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2012-179**, A RESOLUTION AMENDING SECTION II OF RESOLUTION NO. 2011-144 BY CHANGING THE FISCAL TO THE 2011-2012 FISCAL YEAR

Passed: All present voting "aye."

**4. Consideration of a Resolution to Authorize the Rejection of All Bids Submitted for the 2012 Street Resurfacing – Contract 1 (Lincoln Street and Cooks Valley Road) and Contract 2 (Granby Road, Lewis Lane, and University Boulevard) (AF: 103-2012).** City Manager Campbell provided information on this item, noting that all bids were over estimate due to the bituminous rate going up. This project will be rebid. Alderman Shupe commented that improvements will be made soon on Cooks Valley Road by the City.

Motion/Second: Parham/McIntire, to pass:

**Resolution No. 2012-180**, A RESOLUTION REJECTING ALL BIDS RELATED TO THE 2012 STREET RESURFACING - CONTRACT 1 (LINCOLN STREET AND COOKS VALLEY ROAD); AND CONTRACT 2 (GRANBY ROAD, LEWIS LANE, AND UNIVERSITY BOULEVARD) PROJECTS

Passed: All present voting "aye."

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**5. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply for and Receive a Traffic Law Enforcement Agency Services – High Visibility Law Enforcement Campaigns from the Tennessee Department of Transportation and Governor’s Highway Safety Office (AF: 108-2012).** City Manager Campbell stated this grant would place an emphasis on aggressive and impaired driving enforcement, noting no match was required.

Motion/Second: Segelhorst/Clark, to pass:

**Resolution No. 2012-181,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TRAFFIC LAW ENFORCEMENT AGENCY SERVICES-HIGH VISIBILITY LAW ENFORCEMENT CAMPAIGNS GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION AND GOVERNOR’S HIGHWAY SAFETY OFFICE

Passed: All present voting “aye.”

**6. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Apply for and Receive a Traffic Law Enforcement Agency Services – Multiple Violations Highway Safety Grant from the Tennessee Department of Transportation (AF: 107-2012).** City Manager Campbell stated this grant would provide specific equipment for the police department, noting no match was required.

Motion/Second: Joh/Shupe, to pass:

**Resolution No. 2012-182,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A TRAFFIC LAW ENFORCEMENT AGENCY SERVICES-MULTIPLE VIOLATIONS GRANT FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION

Passed: All present voting “aye.”

**7. Consideration of a Resolution Authorizing the Mayor to Execute All Documents Necessary and Proper to Apply for and Receive a Grant for \$26,846 from the Department of Justice Edward Byrne Memorial Justice Assistance Program (JAG) FY2012 Local Solicitation – Number 2012-H1471-TN-DJ (AF: 106-2012).** City Manager Campbell stated there was no match required for this grant.

Motion/Second: Shupe/Segelhorst, to pass:

**Resolution No. 2012-183,** A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO APPLY FOR AND RECEIVE A GRANT FROM THE DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE PROGRAM FISCAL FOR YEAR 2013

Passed: All present voting “aye.”

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**8. ~~Consideration of a Resolution Authorizing the Mayor to Execute All Necessary and Proper Documents to Update the Agreement for Services for the Diabetes Management Program~~** (AF: 99-2012). This agenda item was deferred at this time.

**9. Consideration of a Resolution to Authorize the Mayor to Sign All Documents Necessary to Receive a Property Donation from the Greater Kingsport YMCA Located Adjacent to a Section of the Greenbelt on the Buffalo Grasslands Section** (AF: 105-2012). City Manager Campbell provided details on this item, noting this was a 10.12 acre tract. He further stated we can control storm water better if we own areas in the floodplain, which will ultimately keep the streams clean.

Motion/Second: McIntire/Parham, to pass:

**Resolution No. 2012-184**, A RESOLUTION ACCEPTING A DONATION OF 10.12 ACRES OF PROPERTY FROM THE GREATER KINGSPORT YMCA LOCATED ADJACENT TO A SECTION OF THE GREENBELT ON THE BUFFALO GRASSLANDS SECTION AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE RECEIVE THE PROPERTY

Passed: All present voting "aye."

**10. Consideration of a Resolution to Amend the Guaranteed Maximum Price Manual for the Kingsport Aquatic Center and to Authorize the Mayor to Sign All Documents Necessary** (AF: 111-2012).

Motion/Second: Joh/Clark, to pass:

**Resolution No. 2012-185**, A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE GUARANTEED MAXIMUM PRICE MANUAL FOR THE KINGSPORT AQUATIC CENTER AND ALL OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AMENDMENT

Passed: All present voting "aye."

**11. Consideration of a Resolution Approving and Authorizing a Defined Contribution Plan** (AF: 109-2012). City Manager Campbell stated this plan would affect new hires after July 1<sup>st</sup> and contribute to long-term sustainability of the city. Alderman Segelhorst noted it was a generous plan and helps the city set the budget.

Motion/Second: McIntire/Segelhorst, to pass:

**Resolution No. 2012-186**, A RESOLUTION APPROVING THE CONCEPT OF A DEFINED CONTRIBUTION BENEFIT RETIREMENT PLAN FOR CERTAIN EMPLOYEES; ESTABLISHING THE BASIC CRITERIA FOR SUCH PLAN; AUTHORIZING THE CITY MANAGER TO DEVELOP SPECIFICATIONS FOR SUCH PLAN AND TAKE OTHER APPROPRIATE ACTION NECESSARY TO DEVELOP A PLAN FOR APPROVAL

Passed: All present voting "aye."

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**12. Consideration of a Resolution Approving a Tri-Party Agreement and Subordination Agreement, If Necessary, and Authorizing the Mayor to Execute the Same (AF: 110-2012).** City Manager Campbell stated this was in regards to the Aquatic Center. City Attorney Billingsley provided further details on this item, noting the parties included the City, the YMCA (Young Men's Christian Association) and First Tennessee Bank. Mr. Billingsley answered questions, noting this agreement acknowledged the debt of the YMCA and allowed them to take lien while offering protections for the city.

Motion/Second: Parham/Joh, to pass:

**Resolution No. 2012-187, A RESOLUTION APPROVING A TRI-PARTY AGREEMENT WITH THE YMCA AND FIRST TENNESSEE BANK; A SUBORDINATION AGREEMENT WITH FIRST TENNESSEE BANK AND EASTMAN CHEMICAL COMPANY; AUTHORIZING THE MAYOR EXECUTE SUCH AGREEMENTS AND OTHER DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE AGREEMENTS**

Passed: All present voting "aye."

**E. APPOINTMENTS/REAPPOINTMENTS.** None.

**VII. CONSENT AGENDA.**

**Consent Agenda items are considered under one motion.**

Motion/Second: McIntire/Clark, to adopt:

**1. Consideration of an Ordinance to Condemn for Easements and Right-of Way for the Rock Springs/Stonetree Area Sanitary Sewer Extension Project (AF: 88-2012).**

Adopt:

**Ordinance No. 6196, AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE**

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**2. Consideration of an Ordinance to Condemn for Easements and Right-of-Way for the Cooks Valley Road Improvement Project – Phase II and the Cleek Road Improvement Project – Phase II (AF: 89-2012).**

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Adopt:

**Ordinance No. 6197**, AN ORDINANCE TO AUTHORIZE AND DIRECT THE CITY ATTORNEY TO INITIATE CONDEMNATION PROCEEDINGS TO ACQUIRE PROPERTY, REAL OR PERSONAL, OR ANY EASEMENT, INTEREST, ESTATE OR USE THEREIN, FROM AFFECTED PROPERTY OWNERS ALONG THE ROUTE OF CERTAIN PUBLIC WORKS PROJECTS; TO FIX THE PROCEDURE FOR DIRECTING THE INITIATION OF SUCH LITIGATION; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**3. Consideration of an Ordinance to Appropriate Cultural Arts Funding Received from Engage Kingsport and Kingsport Tomorrow (AF: 80-2012).**

Adopt:

**Ordinance No. 6198**, AN ORDINANCE TO AMEND THE GENERAL PROJECT-SPECIAL REVENUE FUND BUDGET BY APPROPRIATING DONATIONS RECEIVED FROM ENGAGE KINGSFORT AND KINGSFORT TOMORROW FOR THE YEAR ENDING JUNE 30, 2012; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

Passed on second reading in a roll call vote: Clark, Joh, McIntire, Parham, Segelhorst, Shupe and Phillips voting "aye."

**VIII. COMMUNICATIONS.**

**A. CITY MANAGER.** None.

**B. MAYOR AND BOARD MEMBERS.** Alderman Shupe asked about the status of the Legion pool. City Manager Campbell stated it would open and we are in the process of hiring life guards.

Alderman Segelhorst commended the police and fire employees. He stated it has been five years since there has been a fire death and asked Fire Chief Dye to discuss the smoke detector program. He further noted that the fire department will install the detectors for those who are unable to do so. City Manager Campbell pointed out Kingsport had the lowest per capita fire loss listed in the Kingsport Fire Department's annual report. Mr. Segelhorst also commented on a favorable email he had received from a citizen who had been in a traffic accident and commended the responding police officers.

Alderman Clark commented on the new school superintendent, Dr. Lyle Ailshie, stating he looked forward to working with him.

Vice-Mayor Parham commended the Aquatic Center project management team, specifically Mr. Frank Brewer and Assistant to the City Manager Chris McCartt.

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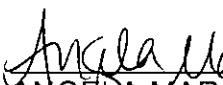
Mayor Phillips pointed out the state legislature just passed two bills regarding synthetic drugs, making it a felony offense. The Mayor also commented on the Carpenter's Helper program through First Broad Street United Methodist Church, noting they have been making a difference for 25 years. He discussed the program further, pointing out they have repaired 524 homes, made 4,759 furniture deliveries and delivered 5,253 pick-up loads of firewood.

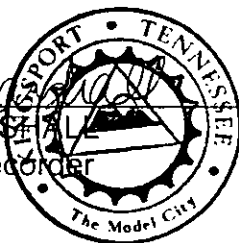
**C. VISITORS.** Ms. Barbara Brown commented on the salaries and retirement for city employees.

Mr. Kenneth Calvert thanked the police department for their actions at a incident on East Sevier Avenue.

City Attorney Billingsley commented favorably on the new stem school that is scheduled to open this fall.

**IX. ADJOURN.** Seeing no other business for consideration at this meeting, Mayor Phillips adjourned the meeting at 7:45 p.m.

  
ANGELA MARSCHALE  
Deputy City Recorder



  
DENNIS R. PHILLIPS  
Mayor